

REMARKS

By this amendment, claims 1, 6, and 7 are revised and arguments are set forth to place this application in condition for allowance. Currently, claims 1-16 are before the Examiner for consideration on the merits.

First, Applicants traverse the contention that the use of "adapted for" is per se indefinite language. MPEP 2111.04 does not say that this term is indefinite. What it does say is that this term raises the question of whether the language following the term is a further limitation on the claim. The terms such as "whereby" and "wherein" are grouped in this category, but certainly, the use of "wherein" in a clause is not *prima facie* indefinite. Since "adapted for" is not on its face indefinite, the claims containing this limitation are not in violation of 35 U.S.C. § 112, second paragraph and the rejection in this regard must be withdrawn. While Applicants stand by the position recited above, the function of the first and second lens of claim 1 is described in terms of "capturing" to ward off any contention that this functional language can be ignored by the use of the term "adapted for" when considering the patentability of claim 1.

Turning now to the revisions to claim 1, support may be gleaned from: page 5, lines 1 and 2; page 8, lines 8 and 9 (see references 11 and 21); page 3, line 36 to page 4, line 3; page 10, lines 16-21; and page 8, lines 9-11.

The revisions to claim 6 and 7 are supported by page 5, line 14 among other places. Also, the term "vicinity" is not indefinite on its face as alleged in the 35 U.S.C. § 112, second paragraph, rejection. Indefiniteness is measured in terms of the specification and one of skill in the art and this term is explained on page 5, lines 12-21.

Given this explanation, the use of the term "vicinity" in claim 6 is not per se indefinite when read by one of skill in the art in light of the specification and the rejection to the extent it takes this stance is improper and should be withdrawn.

Turning now to the prior art rejection, Applicants traverse the rejection under the headings of the INVENTION and ARGUMENTS.

INVENTION

The invention relates to the use of a lens coupled with a camera on the way of the narrow-field beam selected in a wide field initial image. The use of such a lens, which is the lens of the first camera of claim 1, enables the use of a low cost sensor of medium resolution, e.g., a sensor similar to the one used for a wide-field image. The inventive combination enables one to modify at will the size of the region of interest for which a resolution higher than for the rest of the image is desired simply by using the optical properties of the lens and particularly its zooming capacity. For example, the invention enables one to achieve a resolution 10 times higher for the selected beam. This difference in resolution is virtually impossible to achieve by only using CCD arrays of different resolutions. This is especially true in the IR region, where there are few resolutions available.

The invention proposes to duplicate the beam after an afocal system in such a way that the increase in resolution is not only dependent on the detection array but also of the objective in front of it. This enables an increase in the resolution at will, even by more than 10 with similar detection arrays.

ARGUMENTS

In the rejection, the Examiner cites United States Patent No. 2002/0012059 to Wallerstein and modifies its teachings with United States Patent No. 6,795,109 to Peleg and the well known prior art. The Examiner alleges that Wallerstein teaches all of the features of claim 1 but for the first and second cameras as claimed. The Examiner contends that it would be obvious to use first and second cameras based on the teachings of Peleg.

For the requirement of claim 1 that the first camera have the first specifically-defined lens and the second camera have the second specifically-defined lens, the Examiner admits that neither Wallerstein nor Peleg teach this feature. Nevertheless, the Examiner concludes that since lens with different resolutions are well known in the art and that a camera with the same sensor can be made to have lenses in order to capture images based on a desired resolution is known, it would be obvious to modify Wallerstein to have the claimed camera and lens arrangement.

The reasoning used in the rejection is flawed. In essence, the Examiner is saying that the modifying the two camera system taught by Wallerstein and Peleg to include all of the features of the invention is obvious based on the general knowledge in the art. This is not a sufficient basis to support a contention of obviousness. The Examiner has provided no objective factual basis to support the conclusion of obviousness and without this factual basis, the rejection fails. The two sentences pieced together as to the "known prior art" do not meet the standards recited in

Graham v. John Deere, 383 US 86 (1966) concerning the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved for determining whether subject matter is obviousness or nonobviousness. This failure to abide by the factual showing required by *Graham* means that the rejection is improper and requires withdrawal or clarification with some objective evidence.

In addition, the teachings of Wallerstein and Peleg do not lead one of skill in the art to the invention. Wallerstein discloses a method of viewing an image using two cameras of two different resolutions, see Figure 6, and paragraphs [0058-0064], in order to capture a part of a panoramic image with a higher resolution. Wallerstein also proposes to use two sensors of distinct resolutions, see paragraphs [0061-0063].

Notably and as admitted by the Examiner, there is no disclosure relating to the use of a lens in connection with the Wallerstein system. In fact, it is neither described nor suggested to use lenses in order to make the resolutions of the both cameras of Wallerstein distinct from each other and/or to modify the resolution of one of the two cameras only with a lens. The Wallerstein system only duplicates the image plane like many other optical systems. It is thus not possible to increase the resolution at will as it is contrarily permitted by the original means of the invention. Particularly, the Wallerstein system cannot reach a difference in resolution of 10, and even less in the IR region. To be on par with the invention, Wallerstein would require the implementation of non-existent 10 times smaller detectors. Therefore, Wallerstein cannot supply the factual basis for the conclusion of obviousness.

Peleg is also deficient in teaching the invention. This reference discloses a video camera arrangement for recording panoramic images. Two cameras are used in order to record different parts of the beam output from a lens. Peleg does not describe or suggest any selection of a portion of the image. Peleg also fails to teach or suggest any use of any lens in order to modify the resolution of any acquired image. Therefore, Peleg cannot be used to provide the required factual support for the rejection.

In fact, the Examiner has not demonstrated any prior art that uses a lens in combination with a first camera to modify the resolution of the acquisition of a portion of an image that is beside acquired by a second camera as required by claim 1.

Turning back to claim 1 and the rejection, the Examiner's makes two statements concerning the prior art, i.e., "it is well known in the art to provide lens of different resolutions." and "It is also well known that cameras with the same sensor can be made to these lenses in order to capture images based on the desired resolution." The Examiner then appears to interpret the claim as the mere combination of two cameras, each with a different lens resolution and contends that this is common knowledge so that it is obvious to employ such a camera arrangement in the Wallerstein-Peleg system. The flaw in this approach is the failure to address all of the limitations of claim 1. Applicants are not merely claiming two cameras with two different resolutions. What is being claimed is two cameras, with one camera equipped with one lens of a first resolution capturing the narrow-field image of the second beam, and a second camera with a second lens of second resolution that is lower than the first resolution for the angular magnitude of the region of interest and captures the whole of the duplicate first beam.

The Examiner's characterization of the prior art fails to address the details of what the first lens is capturing, what the second lens is capturing, and the difference in the two resolutions as well as the definition of the second resolution. The mere fact that cameras with lens of different resolutions may exist does not address the details required in claim 1. Also, the allegation that capturing of images using cameras with the same sensor but different lenses fails to address what type of images that are captured. The rejection also ignores the fact that the images for the first and second cameras are specifically defined and fails to address the specific limitations in this regard.

If the Examiner maintains the rejection based on official notice, the Examiner is requested to demonstrate how the known prior art addresses all of the features of claim 1. A general observation that cameras with lens of different resolutions are known is insufficient to support a contention that claim 1 is obvious under 35 U.S.C. § 103(a).

Since a *prima facie* case of obviousness has not been established with respect to claim 1, it and its dependent claims are now in condition for allowance.

SUMMARY

To recap, the Examiner has failed to establish a *prima facie* case of obviousness based on the teachings of Wallerstein, Peleg, and the known prior art and this mandates a withdrawal of the rejection of claims 1-16. In addition, the rejection based on 35 U.S.C. § 112, second paragraph, has been overcome.

Accordingly, the Examiner is requested to examine this application and pass all pending claims onto issuance.

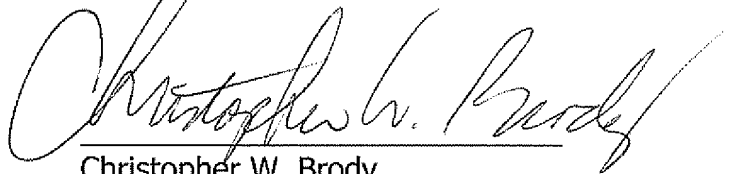
If the Examiner believes that an interview would be helpful in expediting the allowance of this application, the Examiner is requested to telephone the undersigned at 202-835-1753.

The above constitutes a complete response to all issues raised in the Office Action dated December 30, 2008.

Again, reconsideration and allowance of this application is respectfully requested.

Applicants respectfully submit that there is no fee required for this submission, however, please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,
CLARK & BRODY

A handwritten signature in cursive script, appearing to read "Christopher W. Brody", written over a horizontal line.

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